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CITY OF LAGUNA BEACH  
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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA – SOUTHERN DIVISION  
10

11 STEVE KLEIN, HOWARD PUTNAM  
and GLEN BIONDI,

12  
13 Plaintiffs,

14 v.  
15

16 CITY OF LAGUNA BEACH, and  
DOES 1 through 10,

17 Defendants.  
18

Case No. SACV 08-1369 CJC (MLGx)

DEFENDANT’S REVISED  
JUDGMENT

19 This Court filed an Order, dated May 24, 2011, granting in part and denying  
20 in part the Motion for Summary Judgment filed by Plaintiffs’ Steve Klein, Howard  
21 Putnam and Glen Biondi (collectively, “Plaintiffs”) and the Cross-motion for  
22 Summary Judgment filed by Defendant City of Laguna Beach (“City”). This Court  
23 granted Judgment in accordance with that Order on June 14, 2011. On appeal from  
24 that Judgment, the Ninth Circuit Court of Appeals, in a Memorandum dated July 18,  
25 2013, affirmed in part, and reversed in part, this Court’s Judgment. Judgment is  
26 hereby entered in accordance with the Ninth Circuit’s Memorandum and the Court’s  
27 June 14, 2011 Judgment, to the extent it was not appealed or was affirmed by the  
28 Ninth Circuit.

1 It is ORDERED, ADJUDGED, AND DECREED as follows:

2 A. Judgment is entered in favor of Plaintiffs on:

- 3 1. Their claim for nominal damages, brought pursuant to 42 U.S.C.
- 4 § 1983, that the repealed Laguna Beach Municipal Code Sections
- 5 5.40.10 and 5.40.20 violated Plaintiffs' free speech rights
- 6 contained in the First Amendment of the United States
- 7 Constitution as-applied to Plaintiffs' proposed amplified speech
- 8 activity; and
- 9 2. Their claim for nominal damages, brought pursuant to 42 U.S.C.
- 10 § 1983, that the repealed Laguna Beach Municipal Code Section
- 11 7.25.120 violated Plaintiffs' free speech rights contained in the
- 12 First Amendment of the United States Constitution as-applied to
- 13 Plaintiffs' proposed amplified speech activity immediately
- 14 adjacent to the Laguna Beach City Hall and in the downtown
- 15 business district area of the City between 5 p.m. and 6 p.m.

16 Each Plaintiff shall recover nominal damages of \$1.00 for each of these  
17 claims.

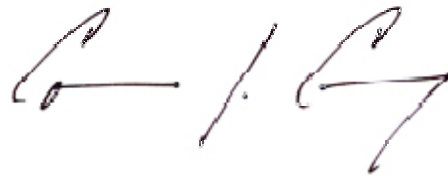
18 B. Judgment is entered in favor of the City on:

- 19 1. Plaintiffs' claim for nominal damages, brought pursuant to 42
- 20 U.S.C. § 1983, that the repealed Laguna Beach Municipal Code
- 21 Section 7.25.120 violated Plaintiffs' free speech rights contained
- 22 in the First Amendment of the United States Constitution as-
- 23 applied to Plaintiffs' proposed amplified speech activity adjacent
- 24 to Laguna Beach High School;
- 25 2. Plaintiffs' claims for declaratory and injunctive relief for
- 26 violation of the First Amendment to the United States
- 27 Constitution as-applied to all of Plaintiffs' proposed amplified
- 28 speech activity;

- 1           3.     Plaintiffs' claims for nominal damages, declaratory relief and  
2                 injunctive relief for violation of Article I, Section 2 of the  
3                 California Constitution as-applied to all of Plaintiffs' proposed  
4                 amplified speech activity; and  
5           4.     Plaintiffs' claim for violation of the California Bane Act, Cal.  
6                 Civil Code § 52.1.

7           These claims are dismissed with prejudice and Plaintiffs shall recover  
8           nothing by way of these claims.

9           It is **FURTHER ORDERED** that Plaintiffs shall be entitled to recover their  
10          costs and reasonable attorneys' fees, if and to the extent permitted by law, by way of  
11          a subsequent motion.



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13  
14   DATED: September 18, 2013

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Hon. Cormac J. Carney  
United States District Judge